

*Tfw***PATENT**

Attorney Docket No. MSU-08548

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Min-Hao Kuo  
Serial No.: 10/773,911 Group No.: 1636  
Filed: 02/06/2004 Examiner: Joike  
Entitled: Autocatalysis/Yeast Two-Hybrid Assay

**AMENDMENT TRANSMITTAL**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)(1)(i)(A)**

I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is, on the date shown below, being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: January 27, 2006By: 

Traci E. Light

Sir or Madam:

Transmitted herewith is an amendment for this application. The fee has been calculated as shown below.

	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESEN T EXTRA		RATE	ADDITIONAL FEE
Total Claims	6	-	29	0	×	50.00	\$0.00
Independent Claims	2	-	8	0	×	200.00	\$00.00

**TOTAL DUE \$00.00**

Please charge any additional fees, including any fees necessary for extensions of time, or credit overpayment to Deposit Account No. 08-1290. An originally executed duplicate of this transmittal is enclosed for this purpose.

Dated: January 27, 2006By: Thomas C. Howerton  
Registration No. 48, 650

MEDLEN & CARROLL, LLP  
101 Howard Street, Suite 350  
San Francisco, California 94105  
617/984.0616



PATENT  
Attorney Docket No. MSU 08548

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Min-Hao Kuo

Serial No.: 10/773,911

Group No.: 1636

Filed: 02/06/04

Examiner: Joike

Entitled: Autocatalysis/Yeast Two-Hybrid Assay

**Response to Restriction Requirement**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

<b>CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)(1)(i)(A)</b>		
I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is, on the date shown below, being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope, addressed to: Commissioner for Patents; P.O. Box 1450, Alexandria, VA 22313-1450.		
Dated:	<u>JANUARY 27, 2006</u>	By:  Traci E. Light

Sir or Madam:

In an Office communication mailed on 12/27/2005, the Examiner has stated that the application as filed is subject to a restriction requirement and requires an election of one of forty two claim groupings. The Examiner states that the invention assigned to Group I (covered by Claims 1-12 and 21), drawn to a fusion protein, and the invention assigned to Group II (covered by Claims 13-16), drawn to DNA encoding the fusion protein, are unrelated. Examiner acknowledges that Groups I and XLII (drawn to proteins) and Group II (drawn to nucleic acids) are products related to Group III (drawn to a method) as product and process of use. The Examiner asserts, however, that the inventions are distinct from one another because the claimed products can be used to practice another, materially different process.

Examiner asserts that inventions IV-XXII (drawn to nucleic acid sequences) are unrelated to inventions XXIII-XLI (drawn to amino acid sequences) because polypeptides are biochemically, functionally and structurally unrelated to nucleic acid sequences. On page 5 of the Office communication, based on the same argument, Examiner states that Inventions I,

XXIII-XLI and XLII (drawn to compounds comprising amino acid sequences) are unrelated to Inventions II and IV-XXII (drawn to compounds comprising nucleotide sequences). Examiner further asserts that each specific nucleic acid sequence is distinct from each of the other nucleic acid sequences and each of the protein sequences is structurally and functionally distinct from the other protein sequences. Additionally, Examiner states that the method claimed in Group III is unrelated to the nucleotide sequences of Groups IV-XXII because the method can be practiced without them, and is likewise unrelated to the polypeptides of Groups XXIII-XL.

On page 4 of the Office communication, Examiner cites 35 U.S.C. 121 and 37 CFR 1.141 *et seq.* as grounds for restricting examination of compound claims to one and only one compound.

The Applicants elect, without traverse, to prosecute Group III. Applicants acknowledge that Examiner has made the restriction as between Groups I and XLII contingent. Applicants also note Examiner's other statements regarding rejoinder. Applicants generally reserve the right to request reconsideration if a finding of allowability of one or more of any of the claims in the application affects the basis of any of the Examiner's arguments summarized above. Should the Examiner believe that a telephone interview would aid in the prosecution of this application, the Applicant encourages the Examiner to call the undersigned collect at 617.984.0616.

Dated: January 27, 2006

Thomas Howerton

Thomas C. Howerton  
Registration No. 48,650

MEDLEN & CARROLL, LLP  
101 Howard Street, Suite 350  
San Francisco, California 94105  
617.984.0616